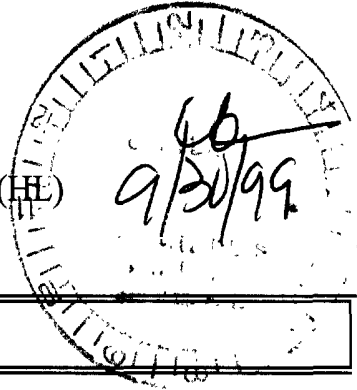


UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

Edwin González Sampayo, et al  
v.  
José Fuentes Agostini, et al

CASE NUMBER: 97-1784 (HE)



**MOTION**

**ORDER**

**Date Filed:** 1.15.99 & 2.10.99  
**Docket #**57 & 62  
**[ ] Plffs [x] Defts [ ] Other**  
**Title:** Salvador Alicea's motion  
to dismiss

Before the Court is Salvador Alicea's motion to dismiss the claims against him on the grounds that they are time barred. Plaintiffs filed their complaint for damages under 42 U.S.C. § 1983 on May 20, 1997. They did not name Alicea as a defendant until they filed their amended complaint on November 2, 1998. Alicea claims that the claims against him were therefore brought after the one-year limitations term applicable to section 1983 claims in Puerto Rico.

The provisions for the tolling of the statute limitations of a section 1983 claim are governed by local law. *Rivera-Ramos v. Roman*, 156 F.3d 276, 282 (1st Cir. 1998). Under Puerto Rico law, the filing of a claim against one defendant will toll the running of the limitations period against other defendants who are solidarily liable. *Tokyo Marine & Fire Ins. v. Pérez & Cía*, 142 F.3d 1, 4 (1st Cir. 1998). In the present case, the filing of the original complaint tolled Plaintiffs' claims against other solidarily liable defendants, including Alicea. Thus, when Alicea was first named in Plaintiffs' amended complaint, the limitations period against him had been tolled. Therefore, his motion to dismiss on the grounds that the claim against him is time-barred is hereby denied.

September 30, 1999

  
**HECTOR M. LAFFITTE**  
Chief U.S. District Judge

A handwritten number "6" enclosed within a hand-drawn circle.

A handwritten signature consisting of a large circle containing the initials "CB", followed by a long horizontal line extending to the right.